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Local Counsel to CDB Falcon Sunland Plaza, LP

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)

In re

CIRCUIT CITY STORES, INC., *et al.*,

Debtor.

§  
§  
§  
§  
§

Case No. 08-35653-KRH  
CHAPTER 11

**JOINDER OF CDB FALCON SUNLAND PLAZA, L.P. IN  
JOINT OBJECTION BY CERTAIN LANDLORDS TO DEBTORS'  
MOTION FOR ORDERS UNDER BANKRUPTCY CODE SECTIONS  
105, 363 AND 365 (I) APPROVING BIDDING AND AUCTION  
PROCEDURES FOR SALE OF UNEXPIRED NONRESIDENTIAL REAL  
PROPERTY LEASES, (II) SETTING SALE HEARING DATE AND  
(III) AUTHORIZING AND APPROVING (A) SALE OF CERTAIN UN-  
EXPIRED NONRESIDENTIAL REAL PROPERTY LEASES FREE  
AND CLEAR OF ALL INTERESTS, (B) ASSUMPTION AND ASSIGN-  
MENT OF CERTAIN UNEXPIRED NONRESIDENTIAL REAL  
PROPERTY LEASES, AND (C) LEASE REJECTION PROCEDURES**

COMES NOW, CDB FALCON SUNLAND PLAZA, L.P. ("Landlord"), who through the undersigned counsel, hereby files this its Joinder in the Joint Objections of "Certain Landlords" (more specifically identified in the document hereafter referred to as "the Objection") to Debtors' Motion for Orders under Bankruptcy Code Sections 105, 363, and 365 (i) Approving Bidding and Auction Procedures for Sale of Unexpired Nonresidential Real Property Leases, (ii) Setting Sale Hearing Date, and (iii) Authorizing and Approving (a) Sale of Certain Unexpired Nonresidential Real Property Leases Free and Clear of All Interests, (b) Assumption and Assignment of Certain

Unexpired Nonresidential Real Property Leases, and (c) Lease Rejection Procedures (“the Motion”), and would show as follows:

1. This Court has jurisdiction over this matter in accordance with 11 U.S.C. §365, and 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. §157(b).

**Background Facts**

2. On or about April 5, 2007, Circuit City Stores, Inc. entered into a written lease agreement for commercial space with Landlord at Sunland Plaza Shopping Center in El Paso, Texas (“the Lease”). The initial term of the Lease was ten (10) years.

3. On November 10, 2008, Debtors filed a voluntary petition under Chapter 11 of the United States Bankruptcy Code.

4. The cure obligations through the date hereof, and exclusive of any lease rejection or other, related claims, but inclusive of 2008 taxes and insurance, are as follows:

2008 Property Taxes:	\$43,471.29
2008 Unpaid Rents:	\$39,063.87 (Rent, CAM, Ins. for Nov. 2008)
<u>2009 Taxes (est.)</u>	<u>\$41,482.58 (Incurred on 1/01/09, but due at end of 2009)</u>
<b>TOTAL CURE:</b>	<b>\$124,017.74</b>

5. On or about January 16, 2009, Landlord filed a statement of cure indicating the amounts above.

6. The Motion was filed on February 3, 2009, and is presently set for hearing on February 13, 2009, and notice and opportunity for hearing thereon was shortened by orders of this Court.

**Objections to the Motion**

7. For the reasons stated in the Objection (and in others in regard to the same subject matter) filed on Wednesday, February 11, 2009, which reasons are incorporated herein by this reference, Landlord objects to the Motion, and requests that this Court protect the interests of

Landlord and those similarly situated, in the interests of Due Process and fundamental fairness, and as required in accordance with 11 U.S.C. §365.

DATE: 02/12/2009

**/s/ Mark Stromberg**

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**CERTIFICATE OF SERVICE**

This is to certify that on February 12, 2009, a copy of the foregoing Joinder of CDB Sunland Plaza, L.P. in the Joint Objections of Certain Landlords to Debtors' Motion for Orders under Bankruptcy Code Sections 105, 363, and 365 (i) Approving Bidding and Auction Procedures for Sale of Unexpired Nonresidential Real Property Leases, (ii) Setting Sale Hearing Date, and (iii) Authorizing and Approving (a) Sale of Certain Unexpired Nonresidential Real Property Leases Free and Clear of All Interests, (b) Assumption and Assignment of Certain Unexpired Nonresidential Real Property Leases, and (c) Lease Rejection Procedures is to be served by electronic means via the Court's ECF/CM system and to the following:

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